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Secrecy and the Road to Serfdom A World Safe for Spies

A bill which could have consequences unparalleled in U.S. history, particularly when set in the context of other new or proposed government rules, will in all likelihood be signed soon by President Reagan. To get an idea of what is involved, consider the following possibilities:

- You have joined your colleagues in a conference room at the Riverside Church to review progress in organizing a nuclear freeze march. Everybody is taking notes. You leave the room, and walk down to Broadway for a cup of coffee. You pass a police car, and by chance notice one of your colleagues inside, reading the notes you have just seen him taking to two people, one of whom is known to you to be an undercover FBI agent. Startled, you hasten back to the room to tell your associates that there is an informer in your midst. As you leave the room, you are arrested and charged under the Intelligence Identities Protection Act with revealing the name of an intelligence operative. You face up to three years in prison and a fine of \$15,000.

- Discussing the internal politics of Argentina in the wake of the Falkland Islands crisis, you suggest in print, on the basis of sources, that General Galtieri has been a CIA agent. You face the same penalties.

- Traveling on the Atlantic coast of Nicaragua, you happen upon a Protestant missionary whom you discover to be a CIA agent working among the Miskito Indians. You publish his name in a U.S. newspaper, and are liable to the same penalties.

- After a couple of drinks at a cocktail party, you speculate that a well-known philanthropist might at some time have worked for the FBI or perhaps military intelligence at Harvard in the late 1960s. Again, you face the same penalties.

Return of the '50s...

This country is now threatened by the possibility of an extraordinary series of rules and acts which will curb free speech and inquiry in the manner suggested above, supposedly to ensure the security and efficacy of U.S. intelligence, and government operations in general. A measure officially known as the Intelligence Identities Protection bill, and often popularly referred to as the "Naming of Agents bill," is scheduled for final action in the Congress, pending signature by the president. It is only one of several bills presently going t

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Reagan has already signed an executive order that permits domestic spying by the CIA. The administration has tightened its classification ratings and increased the number of government bureaucrats allowed to make such classifications. At the same time, the Senate Judiciary Committee is considering a savage curtailment of the Freedom of Information Act, which would make the discovery of government chicanery much more difficult. In an adjacent area, recently imposed travel curbs on trips to Cuba by U.S. citizens emphasize the overall return of the pall of the '50s.

The Intelligence Identities Protection bill has had a switchbacking history over the last year. It was originally sponsored, as a congressman remarked, to put a stop to "the Philip Agees of the world." Agee is of course the former CIA officer who detailed information about the operations of the agency and the identities of its personnel. His passport was recently revoked. Agee is on the board of advisers of *Covert Action Information Bulletin*, put out by Ellen Ray, William Schaap, and Louis Wolf. *Covert Action* regularly publishes articles about CIA activities and until recently ran a column called "Naming Names," which listed the identities and addresses of persons it believed to be CIA agents. The bill was supposedly aimed at just this group.

During the debate in Congress, an effort was made by the American Civil Liberties

Union. There is some possibility that in the political crosscurrents of Congress today, and with Ashbrook dead, the House leadership might postpone this crucial conference, thereby stalling the law. This possibility remains remote.

Among other things, the proposed act covers unclassified material. It does not merely cover the CIA but also the FBI, military intelligence, and other agencies. It is not limited to the exposure of government employees. It is not limited to names: the proposed act speaks of "information that identifies" an undercover operative or source.

Gutting the FOIA

Amendments aimed at eviscerating the Freedom of Information Act are also working their way through Congress. These amendments would increase the cost of obtaining material under the act, allow the government to procrastinate, weaken an individual's right to seek information in the national security area, and sharply circumscribe the ability of citizens to get anything deemed to be of commercial or business interest. There would be exemptions of material in areas relating to organized crime, terrorism, and counter-intelligence.

These and other amendments have been reported by a Senate Judiciary subcommittee, and now await action by the full committee. A ray of hope is that some resistance is being displayed in the House.

Just as Reagan's executive order allows domestic spying by the CIA, the Intelligence Identities Protection bill would prevent exposure of agents involved. And the classification order would increase the amount of material which could be denied citizens under the amended Freedom of Information Act.

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